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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JACKSON FAMILY WINES, INC. and) Case No. CV-11-5639 (EMC) (JSC)
LC TM HOLDINGS, LLC,)

Plaintiffs,

v.

DIAGEO NORTH AMERICA, INC. and)
DIAGEO CHATEAU & ESTATE WINES CO.,) **JUDGE EDWARD M. CHEN**

Defendants.

I, Evan Gourvitz, declare under penalty of perjury as follows:

1. I am Director & Senior Counsel, Litigation at Diageo North America, Inc. I make this declaration in support of sealing a portion of the record in this action.

2. Defendants Diageo North America, Inc. and Diageo Chateau & Estate Wines Co. (collectively, "Diageo") seek to seal, pursuant to the Stipulated Protective Order, Dkt. 44, certain portions of and exhibits to Diageo's Motions in Limine and Jackson Family Wines, Inc. and LC TM Holdings, LLC's (collectively, "Jackson") oppositions thereto.

**DECLARATION OF EVAN GOURVITZ
IN SUPPORT OF ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

3. Specifically, Diageo seeks to file under seal Exhibit B and Jackson's Exhibits 1, 7, 8, 9, 10, 12, and 13 to Diageo's Motion in Limine No. 1 and Jackson's opposition thereto, as well as Exhibits 2, 3, 4, and 5 to Jackson's Opposition to Diageo's Motion No. 4. These documents contain highly confidential information relating to the development of Diageo's Crème De Lys wine product, the development process for its products in general, and its business strategies and strategic assessments. Specifically, this material includes: (i) details of the process by which Diageo develops new products; (ii) Diageo's product innovation strategy; (iii) detailed discussions and quotations from confidential and proprietary research notes and reports conducted as part of the development of Diageo's Crème De Lys wine; and (iv) Diageo's strategic focus in the wine industry.

4. Diageo also seeks to file under seal portions of Jackson's Opposition to Diageo's Motion No. 4 and Exhibit 1 thereto, as well as Exhibit 9 to Jackson's Opposition to Diageo's Motion No. 5. These documents contain confidential discussions and information regarding the potential acquisition of a third-party wine brand.

5. Finally, Diageo seeks to seal portions of Jackson's Opposition to Diageo's Motion No. 4 and Exhibit 11 thereto, as well as Exhibit 8 to Jackson's Opposition to Diageo's Motion No. 5. These documents reference and include Diageo's "sensitive financial information, including sales and net profit information," Dkt. 44 at ¶ 4, and highly sensitive information regarding unit sales figures for Diageo's Crème De Lys wine.

6. This information is not publicly or generally known, and Diageo believes that disclosure of this information would harm Diageo's competitive position in the marketplace.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 29, 2014.



EVAN GOURVITZ